

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,990

IN THE MATTER OF:

Served May 14, 2009

Application of CARECO HOME HEALTH)	Case No. AP-2008-118
CARE SERVICES, INC., for a)	
Certificate of Authority --)	
Irregular Route Operations)	

This matter is before the Commission on applicant's request for reconsideration of the voiding of approval conditionally granted to applicant in Commission Order No. 11,590, served September 26, 2008.

Order No. 11,590 specified that applicant would have the full 180 days available under Commission Regulation No. 66 to satisfy the conditions of the grant by filing certain documents and presenting its vehicles for inspection by Commission staff. Applicant did not satisfy the prescribed conditions within the allotted time. The record shows that as of March 25, 2009, applicant had filed none of the required documents and had presented no vehicles for inspection. The conditional grant consequently became void on March 26, 2009.

Under Article XIII, Section 4(a), of the Compact, applicant had until April 25, 2009, to file an application for reconsideration, stating specifically the errors claimed as grounds for reconsideration.¹ Under Rule No. 7-01, the deadline was extended to April 27 because April 25 fell on a Saturday.

Applicant filed an application for reconsideration on April 17, 2009. The application is supported by most of the required documents, and the record shows that applicant's vehicles have since passed inspection, but the application does not allege any error on the part of the Commission. The application therefore is denied.

Although we may reopen this proceeding on our own initiative under Rule No. 26-04, we shall not exercise that option because applicant did not satisfy substantially all conditions of the grant on or before the deadline for requesting reconsideration.² The WMATC Insurance Endorsements filed by applicant are not acceptable. WMATC Insurance Endorsements must be signed by a person designated for that

¹ See *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003) (30-day reconsideration filing period begins running on the day the conditional grant becomes void).

² See *In re BLS Limo Group, Inc.*, No. AP-07-056, Order No. 11,081 (Jan. 15, 2008) (declining to reopen where applicant failed to satisfy conditions on or before reconsideration deadline).

purpose by an authorized representative of the insurer in a written authorization on file with the Commission.³

[B]ecause a WMATC Endorsement amends the underlying policy, the Endorsement must be signed by someone with authority to bind the insurance company to such amendments. Typically, this will be an underwriter employed by the company that issued the policy. If an agent signs, he or she must be identified by the underlying insurance company as authorized to issue WMATC Endorsements on the insurance company's behalf.⁴

The WMATC Endorsements filed by applicant are signed by a person that the underlying insurance company has identified as its agent for the purpose of issuing certificates of insurance but not for the purpose of issuing WMATC Endorsements.

THEREFORE, IT IS ORDERED that the application for reconsideration is hereby denied without prejudice to applicant's right to reapply for approval.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director

³ Regulation No. 58-04(d).

⁴ *In re Rules of Prac. & Proc. & Reg.*, Reg. No. 58, No. MP-08-017, Order No. 11,254 (Apr. 2, 2008).